

LEASON ELLIS

December 22, 2011

Reference No.: 03511/606201-000

**VIA ECF & COURIER**

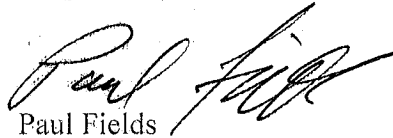
Hon. Frederic Block  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Vaad L'Hafotzas Sichos, Inc. v. Kehot Publication Society, et al.  
Civil Action No. 10-CV-4976 (FB)(JO)

Dear Judge Block:

It has come to my attention that you received a copy of Defendant Merkos counsel's procedurally infirm letter motion to Judge Mauskopf in an unrelated action that incorrectly asserted that a new action filed two weeks ago was related to the instant action. For your Honor's edification, attached is a copy of the opposition that Plaintiffs' counsel filed in that case along with a copy of the Complaint.

Respectfully submitted,

  
Paul Fields

PF/CSR

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THE LAW OFFICES OF  
**MITCHELL C. SHAPIRO**

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BY HAND

December 19, 2011

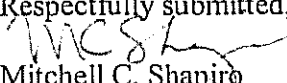
Hon. Roslynn R. Mauskopf  
United States District Judge  
Eastern District of New York  
U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Vaad L'Hafotzas Sichos, Inc. et al. v. Krinsky et al. (1:11-cv-05658-RRM-MDG)**

Dear Judge Mauskopf:

I am lead trial counsel for the Plaintiffs in the above-referenced matter, and I write in response to a letter submitted by Christopher Jensen, Esq., purportedly on behalf of all defendants and dated December 15, 2011. Plaintiffs respectfully submit that the Court should deny the defendants' request as moot since, as admitted in counsel's letter application, I already granted the extension sought by defendants. Attached is a copy of the email correspondence between the parties and a copy of the fully-executed stipulation extending defendants' time to answer through January 13, 2012.

The Court should disregard counsel's inaccurate mischaracterization of this case as being "a related action" to another case currently pending before Judge Block. If this case was in fact a "related action," plaintiffs would have so indicated on the civil cover sheet and likely would have used the same law firm to prosecute the action, which they did not. The other pending case involves plaintiffs' challenge to one defendant's ownership and use of a trademark that was the subject of a TTAB proceeding, and which is used on all publications ever approved by the Rebbe, indicating that the publication is an approved Chabad publication. This case, on the other hand, involves (i) 13 other defendants, (ii) defendants' violation of plaintiffs' registered copyrights over a few works, irrespective of any trademarks, (iii) business tort claims for millions of dollars in damages from defendants, including claims that individual defendants unjustly enriched themselves, (iv) claims that defendants have violated a prior federal court order and rulings of rabbinical courts, and (v) claims on behalf of the entire Lubavitcher-Chasidic community that challenge to the authority of the individual defendants to control the business activities of the corporate defendants and to frustrate the Chabad community's rights to benefit from the use of the priceless "Lubavitcher Library", in direct violation of a prior ruling of Judge Sifton that was affirmed by the Second Circuit. Some of the parties may be the same, but the issues and cases are vastly different. The facts that the defendants have yet to retain Mr. Jensen's firm in this action, and that they would even need an extension of time to answer the Complaint herein (when discovery has already ended in the other case and summary judgment motions have been submitted), is further indication that the two cases are not "related actions." Even if defendants had retained counsel in this case and had made a proper motion for consolidation or reassignment under Rule 50.3.1(d) and (e), the standards of Rule 50.3.1(a) would not have been met.

Respectfully submitted,  
  
Mitchell C. Shapiro

cc: Christopher Jensen, Esq.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- x  
VAAD L'HAFOTZAS SICHOS, INC., et al.

Plaintiffs,

Civil Action No. 11 Civ. 5658  
(RRM)(MDG)

-against-

CHAIM YEHUDAH KRINSKY, et al.

Defendants.  
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STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel that defendants' time to answer or otherwise move with respect to the Complaint herein is extended to and including January 13, 2011.

Dated: New York, New York  
December 7, 2011

COWAN LIEBOWITZ & LATMAN, P.C.

By: 

J. Christopher Jensen (jcj@cll.com)  
1133 Avenue of the Americas  
New York, New York 10036  
(212)790-9200

LAW OFFICES OF  
MITCHELL C. SHAPIRO

By: 

Mitchell C. Shapiro, Esq.  
15 Cutter Mill Road #207  
Great Neck, New York 11021  
(516) 570-2773  
(mcs@mcs Shapiro Law.com)

**Mitchell C. Shapiro**

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**From:** Mitchell C. Shapiro, Esq. [mcs@mcshapirolaw.com]  
**Sent:** Sunday, December 18, 2011 5:59 PM  
**To:** 'Jensen, Christopher'  
**Subject:** RE: Extension of Time to Answer  
**Attachments:** fully executed stipulation extending time.pdf

Copy of fully executed stipulation attached.

***Mitchell C. Shapiro, Esq.***

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**From:** Jensen, Christopher [mailto:JCJ@cll.com]  
**Sent:** Thursday, December 15, 2011 9:40 AM  
**To:** 'mcs@mcshapirolaw.com'  
**Subject:** RE: Extension of Time to Answer

We have not received an executed copy of the stipulation. Can you please email me an executed copy so that I may file it with the Court. Thank you.

J. Christopher Jensen  
Cowan, Liebowitz & Latman, P.C.  
1133 Avenue of the Americas  
New York, N.Y. 10036-6799  
(212) 790-9204

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**From:** Mitchell C. Shapiro [mailto:mcs@mcshapirolaw.com]  
**Sent:** Wednesday, December 07, 2011 4:44 PM  
**To:** Jensen, Christopher  
**Subject:** Re: Extension of Time to Answer

We will consent. Executed stip to follow.

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(fax) 516-706-5075  
(email) mcs@mcshapirolaw.com  
(web) www.linkedin.com/in/mitchellcshapiro

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**From:** "Jensen, Christopher" <JCJ@cll.com>  
**Date:** Wed, 7 Dec 2011 16:07:32 -0500

To: 'mcs@mcshapirolaw.com' <mcs@mcshapirolaw.com>

Subject: Extension of Time to Answer

I have confirmed with all of the defendants that they will waive any objection to service of process or personal jurisdiction if you agree to extend their time to respond to the complaint until January 13, 2011. I have taken the liberty of preparing a stipulation extending the time to answer. I am attaching an executed copy of the stipulation. If your client consents, please execute the stipulation and email it to me so that I can file the stipulation via ECF. If your client does not consent, please let me know as soon as possible so that I can request an extension from the court.

J. Christopher Jensen  
Cowan, Liebowitz & Latman, P.C.  
1133 Avenue of the Americas  
New York, N.Y. 10036-6799  
(212) 790-9204

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